

ATTORNEY'S DOCKET NO: 26252

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 3 September 2004 (3.09.2004)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPL. NO. (if known): Not Yet Assigned 10/506875
INTERNATIONAL APPLICATION NO.: PCT/EP03/01876	INTERNATIONAL FILING DATE: 25 February 2003 (25.02.2003)	PRIORITY DATE CLAIMED: 6 March 2002 (06.03.2002) EP
TITLE OF INVENTION: PHARMACEUTICAL COMPOSITION OF A PDE 4 OR A PDE 3/4 INHIBITOR AND A HISTAMINE RECEPTOR ANTAGONIST		
APPLICANT(S) FOR DO/EO/US: BEUME, Rolf; BUNDSCHUH, Daniela; WEIMAR, Christian; WOLLIN, Stefan-Lutz		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p>a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) as provided in the PCT Request.</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information: APPLICATION DATA SHEET; TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/074055 A1 WITH INTERNATIONAL PUBLICATION DATE OF 12 SEPTEMBER 2003 WITH SEARCH REPORT WHICH CONSISTS OF 84 PAGES INCLUDING 1 COVER SHEET CONTAINING THE ABSTRACT; 57 PAGES TEXTUAL SPECIFICATION, 26 PAGES OF 47 CLAIMS, 0 SHEETS DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED; PCT REQUEST WITH EXECUTED INVENTORS' SIGNATURES; PCT/IEPA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/308 NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES WITH CORRECTED VERSION; PCT/IB/332 INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION.</p>		

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U.S. APPLICATION NO. (if known) not yet assigned <div style="font-size: 1.5em; font-weight: bold;">10/506875</div>	INTERNATIONAL APPLICATION NO. PCT/EP03/01876	DATE; <u>3</u> September 2004 (3.09.2004)
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17. <u>X</u> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO:.....\$920.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$730.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00 International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	<u>CALCULATIONS</u> \$ 920.00 \$ 920.00	<u>PTO USE ONLY</u>
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Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	
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CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	44 -20=	24	X \$ 18.00	\$	432.00
INDEPENDENT	4 - 3=	1	X \$ 86.00	\$	86.00
Multiple dependent claims(s) (if applicable)			+ \$280.00	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,438.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
SUBTOTAL =				\$	1,438.00
Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$	0.00
TOTAL NATIONAL FEE =				\$	1,438.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$.00
TOTAL FEES ENCLOSED =				\$	1,438.00
				Amount to be:	
				refunded	\$
				charged	\$

U.S. APPLICATION NO. (if known) not yet assigned 10/506875	INTERNATIONAL APPLICATION NO. PCT/EP03/01876	DATE: 3 September 2004 (3 .09.2004)
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a. ☒ One check in the amount of \$ 1,438.00 to cover the above fees are enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

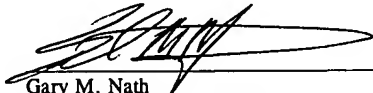
d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/506875

In re Application of:

BEUME et al.

International Application No. PCT/EP03/01876

Serial No. NOT YET ASSIGNED

International Filing Date: 25 February 2003 (25.02.2003)

Filed: September 3, 2004

DT03 Rec'd PCT/PTO 03 SEP 2004

For: **PHARMACEUTICAL COMPOSITION OF A PDE 4 OR A PDE 3/4 INHIBITOR
AND A HISTAMINE RECEPTOR ANTAGONIST**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

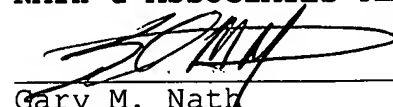
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter To U.S. Designated/Elected Office
(DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (4) International Publication No: WO 03/074055 A1; International
Publication Date: 12 September 2003 (12.09.2003)
which consists of 84 pages including:
 - 1 cover sheet containing the Abstract,
 - 57 pages Textual Specification,
 - 26 pages of 47 claims,
 - 0 sheets of Drawings;
- (5) **Preliminary Amendment with Attachment A to be examined;**
- (6) PCT Request with Executed Inventor's signatures;
- (7) PCT/IPEA/409 International Preliminary Examination Report;
- (8) PCT/IB/308 Notice Informing the Applicant of the
Communication of the International Application to the
Designated States with corrected version;
- (9) PCT/IB/332 Information Concerning Elected Offices Notified
of Their Election;
- (10) Check No. 21659 \$ 1,438.00 for Government Filing Fee
and excess claim fees;
- (11) Postcard for early notification of serial number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath
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Sheldon M. McGee
Registration No. 50,454
Customer No. 34375

Date: September 3, 2004
NATH & ASSOCIATES PLLC
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Washington, D.C. 20005
GMN/SMM/ng/PCT.NATLphase.GMN